

Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Washington Electric Membership Corp.)	File No.: EB-FIELDSCR-13-00011295
)	
Owner of Antenna Structure No. 1065228)	NOV No.: V201332480031
)	
Wrightsville, GA)	
)	

NOTICE OF VIOLATION

Released: September 24, 2013

By the District Director, Atlanta Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Washington Electric Membership Corp., (Washington EMC), owner of antenna structure number 1065228 in Wrightsville, GA. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On September 10, 2013, an agent of the Enforcement Bureau's Atlanta Office inspected antenna structure number 1065228 located at 32° 42' 07" N latitude and 082° 43' 05.9" W longitude, and observed the following violation(s):

- a. 47 C.F.R. § 17.23: "Unless otherwise specified by the Commission, each new or altered antenna structure to be registered on or after January 1, 1996, must conform to the FAA's painting and lighting recommendations set forth on the structure's FAA determination of 'no hazard'" The FCC's Antenna Structure Registration (ASR) database and the FAA's determination of no hazard currently specifies that antenna structure number 1065228 requires medium intensity white flashing obstruction lighting 24 hours a day in accordance with FAA circular number 70/7460-1K, chapters 4, 6 and 12. The antenna structure does not conform to these recommendations. The agent observed that the tower is not equipped with white lights, but instead is painted with daytime obstruction marking and has red lights during nighttime

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

Federal Communications Commission

hours. In order to come into compliance with the Commission's rules, Washington EMC must do one of the following: (1) obtain new FAA "no hazard" determinations indicating that the current lighting systems are permitted and then submit modified antenna structure registrations to reflect the new "no hazard" determinations, (2) submit modified registrations if new FAA "no hazard" determinations already have been obtained, or (3) come into compliance with the current requirements.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Washington EMC must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct Washington EMC to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Washington EMC with personal knowledge of the representations provided in Washington EMC's response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the it's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Atlanta Office
3575 Koger Blvd., Suite 320
Duluth, GA 30096

³ 47 U.S.C. § 403.

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

Federal Communications Commission

6. This Notice shall be sent to Washington EMC at its address of record.

7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Douglas Miller
District Director
Atlanta District Office
South Central Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).